

To: Madigan, Andrea[Madigan.Andrea@epa.gov]
Cc: McGrath, Shaun[McGrath.Shaun@epa.gov]; Bohan, Suzanne[bohan.suzanne@epa.gov]; Schefski, Kenneth[Schefski.Kenneth@epa.gov]
From: Russo, Rebecca
Sent: Wed 10/7/2015 8:58:33 PM
Subject: RE: Tronox

Attorney Client/Ex. 5

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

Cell: 303-204-1930

From: Madigan, Andrea
Sent: Wednesday, October 07, 2015 2:41 PM
To: Russo, Rebecca
Cc: McGrath, Shaun; Bohan, Suzanne; Schefski, Kenneth
Subject: RE: Tronox

Attorney Client/Ex. 5

Andrea Madigan

CERCLA Supervisory Attorney

Legal Enforcement Program

U.S. EPA Region 8

1595 Wynkoop Street

Denver, Colorado 80202

(303) 312-6904

From: Russo, Rebecca

Sent: Wednesday, October 07, 2015 2:29 PM

To: Madigan, Andrea

Cc: McGrath, Shaun

Subject: RE: Tronox

Attorney Client/Ex. 5

Thanks,

Rebecca

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

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From: Madigan, Andrea

Sent: Friday, October 02, 2015 4:45 PM
To: Russo, Rebecca
Subject: RE: Tronox

Attorney Client/Ex. 5

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From: Russo, Rebecca
Sent: Friday, October 02, 2015 4:22 PM
To: Madigan, Andrea
Subject: RE: Tronox

Attorney Client/Ex. 5

Rebecca A. Russo

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From: Madigan, Andrea

Sent: Friday, October 02, 2015 4:03 PM

To: Russo, Rebecca

Subject: RE: Tronox

Attorney Client/Ex. 5

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From: Russo, Rebecca

Sent: Friday, October 02, 2015 3:12 PM

To: Madigan, Andrea

Subject: RE: Tronox

Attorney Client/Ex. 5

Rebecca A. Russo

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Office: 303-312-6757

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From: Madigan, Andrea

Sent: Thursday, September 10, 2015 12:53 PM

To: Russo, Rebecca

Subject: RE: Tronox

Attorney Client/Ex. 5

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From: Russo, Rebecca
Sent: Wednesday, September 09, 2015 2:59 PM
To: Madigan, Andrea
Subject: RE: Tronox

Attorney Client/Ex. 5

Rebecca A. Russo

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Cell: 303-204-1930

From: Madigan, Andrea
Sent: Thursday, September 03, 2015 1:12 PM
To: McGrath, Shaun
Cc: Russo, Rebecca; Bohan, Suzanne
Subject: RE: Tronox

Attorney Client/Ex. 5

Attorney Client/Ex. 5

Andrea Madigan

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From: McGrath, Shaun

Sent: Thursday, September 03, 2015 12:40 PM

To: Madigan, Andrea
Cc: Russo, Rebecca
Subject: Fwd: Tronox

Attorney Client/Ex. 5

Sent from my iPhone

Begin forwarded message:

From: Pat Willits <willits@independence.net>
Date: September 3, 2015 at 12:35:26 PM MDT
To: "Whitney, John (Bennet)" <John_Whitney@bennet.senate.gov>
Cc: "Miller, Zach" <Zach.Miller@dgsllaw.com>, Marc Weinreich <mw@g-etg.com>, Dean Brockbank <db@g-etg.com>, bob risch <rischbk@gmail.com>, Dick Kreutzen <rkreutzen@msn.com>, Barrett Toan <btoan@me.com>, Tom Hillhouse <thill@ouraynet.com>, "Wong, Corey -FS" <cwong@fs.fed.us>, "Armbruster, Jason M - FS" <jasonmarmbruster@fs.fed.us>, John Almy <jalmmy@fs.fed.us>, "McGrath, Shaun" <McGrath.Shaun@epa.gov>, "Madigan, Andrea" <Madigan.Andrea@epa.gov>
Subject: Re: Tronox

John,

Thanks for your continued interest and thanks to Senator Bennett for allowing you to continue to bird-dog the Tronox deal on his behalf.

Glad EPA got back to you. From what I am hearing today, there has been some additional back and forth between EPA and DOJ, and that DOJ is now asking that additional language be added back into the agreements and deeds that we had gotten Greenfield to drop months ago because of concerns from USFS and OCHS, and because of concerns of our attorney, if I understand it correctly, that adding this type of language to a Quit Claim Deed was inconsistent with the nature, general use, and purpose of Quit Claim Deeds. This is sure to slow things down. Not sure if it's DOJ or EPA asking for the language to be re-inserted. I am trying to find out

Greenfield Multistate Trust attorney Dean Brockbank and I spoke earlier today. I have a call in to Marc Weinreich but haven't heard back.

The language being added back in to the OCHS agreement and deed is release, covenant not to sue, and indemnity. OCHS attorney strongly objected to the idea that OCHS would be asked to indemnify the federal government. I have a call in to him to discuss. This may kill deal for OCHS.

I have not seen the language being added back in to the USFS agreement and deed, but it is apparently of a "whereas, therefore" nature and may not be of great for the Forest Service/DOI OGC to accept. Will know more once we've seen it, but either way likely will take some time for them to review.

Dean told me he will get me a draft showing the proposed additions by tomorrow.

I am hoping Marc Weinreich has shared the Forest Service concerns with both the EPA and the DOJ that his deal be completed by October 15, so as to not incur additional costs of re-certifying the environmental assessment.

An added complication is our attorney, Zach Miller of Davis Graham and Stubbs, working pro-bono for us for the last year on this deal, is on vacation until next Monday. I am leaving Sunday for 18 day vacation to Europe myself. Through the wonder of smart-phones I'll be able to pay some attention here to this deal while away but not that is not what my wife envisioned for our vacation.

I am cc-ing Shawn McGrath, Andrea Madigan, Zach Miller, Greenfield, TLR, Barrett Toan, OCHS, and USFS.

I am singing Marvin Gaye's song "Can I get a Witness"...

Thanks again,

Pat

On 9/2/2015 4:48 PM, Whitney, John (Bennet) wrote:

Pat

EPA updated me today, said they were waiting on DOJ approval at this point. They hoped to have it by now, expecting it any day.

What are you hearing?

John Whitney

Southwest Regional Director

Senator Michael Bennet

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<http://bennet.senate.gov/>

-- Patrick Willits
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